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Attorneys for Defendant  
HORIZON LINES, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ABDULNASIR M. JINHAM,  
  
Plaintiff,  
  
vs.  
  
HORIZON LINES, INC.,  
  
Defendant.

Case No.: C-05-4252-WHA

**STIPULATION AND ~~[PROPOSED]~~  
ORDER FOR DISMISSAL WITH  
PREJUDICE**

Plaintiff Abdulnasir Jinham and defendant Horizon Lines, LLC stipulate through their respective, authorized counsel of record and respectively request that this Court issue the proposed Order below dismissing this case with prejudice upon the grounds that good cause exists and the best interests of justice, speedy resolution, and conservation of resources pursuant to F.R.Civ.P. 1 will be achieved thereby, in that:

1. The parties successfully mediated this action and entered into a contract of settlement of this entire action on November 9, 2006. That agreement calls for the parties to complete the settlement by, inter alia, Plaintiff executing a more detailed release form, tendering it to the Defendant's attorneys, and receiving the settlement consideration on or prior to 30 days after Defendant receives the signed release form.

2. The date for filing and lodging of pretrial papers (jury instructions, the Joint Pretrial Conference Statement, etc.) is November 13, 2006.

3. Counsel for the parties understand that the policy of this Court is not to continue or cancel trial or pretrial dates unless an unconditional dismissal of the action is filed.

4. The parties desire to conserve both the Court's time and the parties' respective resources by a dismissal that would allow the cancellation of the pretrial and trial dates.

SO STIPULATED.

DATED: November 13, 2006 BERSCHLER ASSOCIATES, PC

By \_\_\_\_\_ /s/  
Arnold I. Berschler  
Attorneys for Plaintiff  
ABDULNASIR JINHAM

DATED: November 13, 2006 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

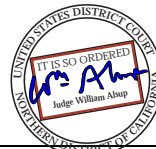
By \_\_\_\_\_ /s/  
Eric Danoff  
Attorneys for Defendant  
HORIZON LINES, LLC

**ORDER**

UPON review of the foregoing Stipulation, and good cause appearing,

IT IS ORDERED THAT this case is dismissed in its entirety with prejudice, each party to bear its respective attorneys fees and costs.

DATED: November 14, 2006



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William H. Alsup  
Judge of the United States District Court